

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).
Dated: February 2, 2009
Electronic Signature for Brian R. Tomkins: /Brian R. Tomkins/

Docket No.: SPINE 3.0-437 CIPCIPCIPCIP CON XV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Errico et al.

Patent No.: 7,223,290

Issued: May 29, 2007

For: AXIALLY COMPRESSIBLE ARTIFICIAL
INTERVERTEBRAL DISC HAVING A
CAPTURED BALL AND SOCKET JOINT
WITH A SOLID BALL AND
COMPRESSION LOCKING POST

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.323

Dear Sir:

Enclosed herewith is a Certificate of Correction with respect to the above-identified U.S. Patent. You are hereby authorized to charge Deposit Account 12-1095 in the amount of \$100 to cover the required fee for filing a Certificate of Correction under § 1.323.

The application as originally filed on August 15, 2003, correctly listed priority information as a "***continuing application of U.S. Patent Application Ser. No. 10/256,160***".

Subsequent to the filing of the '290 patent, the prosecuting attorney filed an Amendment on March 22, 2006 which listed incorrect domestic priority information as a

**"continuation-in-part application of U.S. Patent Application
Serial Number 10/256,160".**

On November 21, 2008, a Request for Certificate of Correction was filed without a Petition Under 37 C.F.R. § 1.78(A)(3) To Correct Priority Information and was not granted by the Certificate of Correction Branch for not including the Petition. Therefore, filed concurrently with this Request for Certificate of Correction is a Petition Under 37 C.F.R. § 1.78(A)(3) To Correct Priority Information.

Applicants respectfully request that the corrections as indicated be made. These errors were inadvertent, occurred in good faith and do not involve any changes with constitute new matter.

We look forward to early return of the Certificate of Correction duly certified.

Dated: February 2, 2009

Respectfully submitted,
Electronic Signature:
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